

HOUSE BILL 2720

By Fincher

AN ACT to amend Tennessee Code Annotated, Section 49-6-3051, relative to school attendance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3051, is amended by deleting the section in its entirety and substituting instead the following language:

(a) Notwithstanding any law to the contrary, when a student initially enrolls in an LEA, resumes school attendance after suspension, expulsion, or adjudication of delinquency, or changes schools within the LEA, the parents, guardians, or custodians, including the department of children's services acting in any capacity, shall provide to the school principal the abstract provided for under § 37-1-153 or § 37-1-154, or other similar written information, if:

(1) Such student has ever been adjudicated delinquent for:

(A) An offense involving:

- (i) First degree murder;
- (ii) Second degree murder;
- (iii) Rape;
- (iv) Aggravated rape;
- (v) Rape of a child;
- (vi) Aggravated robbery;
- (vii) Especially aggravated robbery;
- (viii) Kidnapping;
- (ix) Aggravated kidnapping;
- (x) Especially aggravated kidnapping;
- (xi) Aggravated assault;

(xii) Felony reckless endangerment;

(xiii) Aggravated sexual battery; or

(xiv) Aggravated sexual battery of a child; or

(B) A violation of:

(i) Section 39-13-211, voluntary manslaughter;

(ii) Section 39-13-212, criminally negligent homicide;

(iii) Section 39-13-527, sexual battery by an authority figure;

(iv) Section 39-13-532, statutory rape by an authority figure;

(v) Section 39-17-1302, prohibited weapon;

(vi) Section 39-17-1307, unlawful carrying or possession of a firearm;

(vii) Section 39-17-1309, carrying weapons on school property;

(viii) Section 39-17-1311, carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds;

(ix) Section 39-17-1319, handgun possession;

(x) Section 39-17-1320, providing handguns to juveniles; or

(xi) Section 39-17-417 Class A or Class B felonies, drug offenses; and

(2) School attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency.

(b) The court shall then enter an order directing the youth service officer, probation officer, or the state agency, if the child has been committed to the custody of the state agency, to notify the school principal in writing of the nature of the offense and probation requirements, if any, related to school attendance, within five (5) days of the order or before the child resumes or begins school attendance, whichever occurs first. In individual cases when the court deems it appropriate, the court may also include in the order a requirement to notify county and municipal law enforcement agencies having jurisdiction over the school in which the child will be enrolled.

(c) When the principal of a school is notified, the principal of the child's school, or the principal's designee, shall convene a meeting to develop a plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, the department of children's services if the child is in state custody, the child's parent; guardian or legal caretaker if not in state custody, and other appropriate parties identified by the child, the department of children's services or parent, guardian or legal caretaker shall be invited to the meeting. The plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals.

(d) The information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school

counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to the provisions of this section. The information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. Notification in writing of the nature of the offense committed by the child and any probation requirements and the plan shall not become a part of the child's student record.

(e) In no event shall a child be delayed from attending school for more than five (5) school days from the date of notice.

(f) Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required.

(g) A violation of the confidentiality provisions of subsection (d) is a Class C misdemeanor.

(h)

(1) If the court does not place the child in state custody, but orders the child to complete an inpatient mental health treatment program at a hospital or treatment resource as defined in § 33-1-101, upon leaving that hospital or treatment resource, the principal of the child's school shall be notified and the principal of the child's school or the principal's designee shall convene a meeting to develop a transition plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, child's parent, guardian or legal caretaker, other relevant service providers, and other appropriate parties identified by the

child and parent, guardian or legal caretaker shall be invited to the meeting.

(2) If release of information documents in compliance with title 33, part 3 is executed, the principal and designated school personnel may work with the child's mental health provider to develop this plan. The transition plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals. The information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but the information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may be otherwise required by law. The notification in writing of the nature of the offense committed by the child, any probation requirements, and the transition plan developed pursuant to this subdivision (h)(2) shall not become a part of the child's student record.

(3) In no event shall a child be delayed from attending school for more than five (5) school days.

(4) A violation of the confidentiality provisions of subdivision (h)(2) is a Class C misdemeanor.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.